

FILED

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA

MAY 10 2012

U.S. DISTRICT COURT
CLARKSBURG, WV 26301

UNITED STATES OF AMERICA,

Plaintiff,

v.

SHAWN A. BURNS,
LAMAR JAMES,
TYRONE DUPREE BEAFORE,
WHITNEY YERACE,
TINA BELCASTRO,
and JENNA HANSLER,

Criminal No. 1:12 cr 56
Violations: 18 USC § 2
21 USC § 841(a)(1)
21 USC § 841(b)(1)(C)
21 USC § 841(b)(1)(E)(i)
21 USC § 846
21 USC § 860

Defendants.

INDICTMENT

The Grand Jury charges that:

COUNT ONE

(Conspiracy to Possess with Intent to
Distribute and to Distribute Cocaine Hydrochloride)

From in or about the February, 2012, and continuing until the return of this Indictment, within the Northern District of West Virginia, and elsewhere, defendants, **SHAWN A. BURNS, LAMAR JAMES, TYRONE DUPREE BEAFORE, WHITNEY YERACE and JENNA HANSLER**, did knowingly and willfully combine, conspire, confederate, agree and have a tacit understanding with each other and other persons known and unknown to the Grand Jury, to commit an offense against the United States to wit; to violate Title 21, United States Code, Section 841(a)(1). It was the purpose and object of the conspiracy knowingly and intentionally to possess with intent to distribute and to distribute cocaine hydrochloride, also known as "coke", a Schedule II narcotic drug controlled substance; in violation of Title 21, United States Code, §§846 and 841(b)(1)(C).

COUNT TWO

(Distribution of Cocaine Hydrochloride within 1000' of Protected Location)

On or about February 22, 2012, in Marion County, within the Northern District of West Virginia, defendant, **TYRONE DUPREE BEAFORE**, unlawfully, knowingly, intentionally and without authority distributed, within 1000 feet of the real property comprising Fairmont State University, a quantity of cocaine hydrochloride, also known as "coke", a Schedule II narcotic drug controlled substance, to a person known to the Grand Jury, in exchange for \$200.00; in violation of Title 21, United States Code, §§ 841(a)(1), 841(b)(1)(C) and 860.

COUNT THREE

(Distribution of Cocaine Hydrochloride Within 1000' of Protected Location)

On or about February 29, 2012, in Marion County, within the Northern District of West Virginia, defendant, **SHAWN A. BURNS**, unlawfully, knowingly, intentionally and without authority distributed, within 1000 feet of the real property comprising Caralone Street Apartments, a housing facility owned by a public housing authority, a quantity of cocaine hydrochloride, also known as "coke", a Schedule II narcotic drug controlled substance, to a person known to the Grand Jury, in exchange for \$250.00; in violation of Title 21, United States Code, §§ 841(a)(1), 841(b)(1)(C), and 860.

COUNT FOUR

(Distribution of Cocaine Hydrochloride Within 1000' of Protected Location)

On or about February 29, 2012, subsequent to the transaction alleged in Count Three, in Marion County, within the Northern District of West Virginia, defendant, **SHAWN A. BURNS**, unlawfully, knowingly, intentionally and without authority distributed, within 1000 feet of the real property comprising Carlone Street Apartments, a housing facility owned by a public housing authority, a quantity of cocaine hydrochloride, also known as “coke”, a Schedule II narcotic drug controlled substance, to a person known to the Grand Jury, in exchange for \$250.00; in violation of Title 21, United States Code, §§ 841(a)(1), 841(b)(1)(C), and 860.

COUNT FIVE

(Distribution of Cocaine Hydrochloride Within 1000' of Protected Location)

On or about March 1, 2012, in Marion County, within the Northern District of West Virginia, defendant, **SHAWN A. BURNS**, unlawfully, knowingly, intentionally and without authority distributed, within 1000 feet of the real property comprising Caralone Street Apartments, a housing facility owned by a public housing authority, a quantity of cocaine hydrochloride, also known as "coke", a Schedule II narcotic drug controlled substance, to a person known to the Grand Jury, in exchange for \$250.00; in violation of Title 21, United States Code, §§ 841(a)(1), 841(b)(1)(C), and 860.

COUNT SIX

(Distribution of Cocaine Hydrochloride Within 1000' of Protected Location)

On or about March 1, 2012, in Marion County, within the Northern District of West Virginia, defendant, **SHAWN A. BURNS**, unlawfully, knowingly, intentionally and without authority distributed, within 1000 feet of the real property comprising Carlon Street Apartments, a housing facility owned by a public housing authority, a quantity of cocaine hydrochloride, also known as "coke", a Schedule II narcotic drug controlled substance, to a person known to the Grand Jury, in exchange for \$800.00; in violation of Title 21, United States Code, §§ 841(a)(1), 841(b)(1)(C), and 860.

COUNT SEVEN

(Distribution of Cocaine Hydrochloride Within 1000' of Protected Location)

On or about March 2, 2012, in Marion County, within the Northern District of West Virginia, defendant, **SHAWN A. BURNS**, unlawfully, knowingly, intentionally and without authority distributed, within 1000 feet of the real property comprising Caralone Street Apartments, a housing facility owned by a public housing authority, a quantity of cocaine hydrochloride, also known as "coke", a Schedule II narcotic drug controlled substance, to a person known to the Grand Jury, in exchange for \$170.00; in violation of Title 21, United States Code, §§ 841(a)(1), 841(b)(1)(C), and 860.

COUNT EIGHT

(Distribution of MDMA Within 1000' of Protected Location)

On or about March 2, 2012, in Marion County, within the Northern District of West Virginia, defendant, **SHAWN A. BURNS**, unlawfully, knowingly, intentionally and without authority distributed, within 1000 feet of the real property comprising Caralone Street Apartments, a housing facility owned by a public housing authority, a quantity of 3, 4-methylenedioxy-N-methylamphetamine [MDMA], also known as “Ecstasy”, a Schedule I drug controlled substance, to a person known to the Grand Jury, in exchange for \$165.00; in violation of Title 21, United States Code, §§ 841(a)(1), 841(b)(1)(C), and 860.

COUNT NINE

(Distribution of Cocaine Hydrochloride Within 1000' of Protected Location)

On or about March 5, 2012, in Marion County, within the Northern District of West Virginia, defendant, **WHITNEY YERACE**, unlawfully, knowingly, intentionally and without authority distributed, within 1000 feet of the real property comprising Caralone Street Apartments, a housing facility owned by a public housing authority, a quantity of cocaine hydrochloride, also known as "coke", a Schedule II narcotic drug controlled substance, to a person known to the Grand Jury, in exchange for merchandise; in violation of Title 21, United States Code, §§ 841(a)(1), 841(b)(1)(C), and 860.

COUNT TEN

(Distribution of Cocaine Hydrochloride Within 1000' of Protected Location)

On or about March 7, 2012, in Marion County, within the Northern District of West Virginia, defendant, **SHAWN A. BURNS**, unlawfully, knowingly, intentionally and without authority distributed, within 1000 feet of the real property comprising Carlon Street Apartments, a housing facility owned by a public housing authority, a quantity of cocaine hydrochloride, also known as "coke", a Schedule II narcotic drug controlled substance, to a person known to the Grand Jury, in exchange for \$275.00; in violation of Title 21, United States Code, §§ 841(a)(1), 841(b)(1)(C), and 860.

COUNT ELEVEN

**(Aiding and Abetting Distribution of Cocaine Hydrochloride
Within 1000' of Protected Location)**

On or about March 7, 2012, subsequent to the transaction alleged in Count Nine, in Marion County, within the Northern District of West Virginia, defendants, **SHAWN A. BURNS** and **TYRONE DUPREE BEAFORE**, aided and abetted by each other, unlawfully, knowingly, intentionally and without authority distributed, within 1000 feet of the real property comprising Carlone Street Apartments, a housing facility owned by a public housing authority, a quantity of cocaine hydrochloride, also known as "coke", a Schedule II narcotic drug controlled substance, to a person known to the Grand Jury, in exchange for \$700.00; in violation of Title 21, United States Code, §§ 841(a)(1), 841(b)(1)(C), and 860 and Title 18, United States Code, §2.

COUNT TWELVE

**(Aiding and Abetting Distribution of Cocaine Hydrochloride
Within 1000' of Protected Location)**

On or about March 7, 2012, in Marion County, within the Northern District of West Virginia, defendants, **SHAWN A. BURNS** and **LAMAR JAMES**, aided and abetted by each other, unlawfully, knowingly, intentionally and without authority distributed, within 1000 feet of the real property comprising Carlone Street Apartments, a housing facility owned by a public housing authority, a quantity of cocaine hydrochloride, also known as "coke", a Schedule II narcotic drug controlled substance, to a person known to the Grand Jury, in exchange for \$1,500.00; in violation of Title 21, United States Code, §§ 841(a)(1), 841(b)(1)(C), and 860 and Title 18, United States Code, Section 2.

COUNT THIRTEEN

(Distribution of Cocaine Hydrochloride Within 1000' of Protected Location)

On or about March 8, 2012, in Marion County, within the Northern District of West Virginia, defendant, **SHAWN A. BURNS**, unlawfully, knowingly, intentionally and without authority distributed, within 1000 feet of the real property comprising Carlon Street Apartments, a housing facility owned by a public housing authority, a quantity of cocaine hydrochloride, also known as "coke", a Schedule II narcotic drug controlled substance, to a person known to the Grand Jury, in exchange for \$100.00; in violation of Title 21, United States Code, §§ 841(a)(1), 841(b)(1)(C), and 860.

COUNT FOURTEEN

**(Aiding and Abetting Distribution of Cocaine Hydrochloride
Within 1000' of Protected Location)**

On or about March 8, 2012, in Marion County, within the Northern District of West Virginia, defendants, **SHAWN A. BURNS** and **TYRONE DUPREE BEAFORE**, aided and abetted by each other, unlawfully, knowingly, intentionally and without authority distributed, within 1000 feet of the real property comprising Carlon Street Apartments, a housing facility owned by a public housing authority, a quantity of cocaine hydrochloride, also known as "coke", a Schedule II narcotic drug controlled substance, to a person known to the Grand Jury, in exchange for \$800.00; in violation of Title 21, United States Code, §§ 841(a)(1), 841(b)(1)(C), and 860 and Title 18, United States Code, Section 2.

COUNT FIFTEEN

**(Aiding and Abetting Distribution of Buprenorphine
Within 1000' of Protected Location)**

On or about March 9, 2012, in Marion County, within the Northern District of West Virginia, defendants, **SHAWN A. BURNS** and **TINA BELCASTRO**, aided and abetted by each other, unlawfully, knowingly, intentionally and without authority distributed, within 1000 feet of the real property comprising Carlon Street Apartments, a housing facility owned by a public housing authority, a quantity of Buprenorphine, a Schedule III narcotic drug controlled substance, to a person known to the Grand Jury, in exchange for \$300.00; in violation of Title 21, United States Code, §§ 841(a)(1), 841(b)(1)(E)(i) and 860, and Title 18, United States Code, Section 2.

COUNT SIXTEEN

**(Aiding and Abetting Distribution of Cocaine Hydrochloride
Within 1000' of Protected Location)**

On or about March 14, 2012, in Marion County, within the Northern District of West Virginia, defendants, **SHAWN A. BURNS** and **LAMAR JAMES**, aided and abetted by each other, unlawfully, knowingly, intentionally and without authority distributed, within 1000 feet of the real property comprising Caralone Street Apartments, a housing facility owned by a public housing authority, a quantity of cocaine hydrochloride, also known as "coke", a Schedule II narcotic drug controlled substance, to a person known to the Grand Jury, in exchange for approximately \$725.00; in violation of Title 21, United States Code, §§ 841(a)(1), 841(b)(1)(C), and 860 and Title 18, United States Code, Section 2.

COUNT SEVENTEEN

**(Aiding and Abetting Distribution of Cocaine Hydrochloride
Within 1000' of Protected Location)**

On or about March 14, 2012, in Marion County, within the Northern District of West Virginia, defendants, **SHAWN A. BURNS** and **TYRONE DUPREE BEAFORE**, aided and abetted by each other, unlawfully, knowingly, intentionally and without authority distributed, within 1000 feet of the real property comprising Carlone Street Apartments, a housing facility owned by a public housing authority, a quantity of cocaine hydrochloride, also known as "coke", a Schedule II narcotic drug controlled substance, to a person known to the Grand Jury, in exchange for \$720.00; in violation of Title 21, United States Code, §§ 841(a)(1), 841(b)(1)(C), and 860 and Title 18, United States Code, Section 2.

COUNT EIGHTEEN

(Distribution of Cocaine Hydrochloride Within 1000' of Protected Location)

On or about March 16, 2012, in Marion County, within the Northern District of West Virginia, defendant, **SHAWN A. BURNS**, unlawfully, knowingly, intentionally and without authority distributed, within 1000 feet of the real property comprising Caralone Street Apartments, a housing facility owned by a public housing authority, a quantity of cocaine hydrochloride, also known as "coke", a Schedule II narcotic drug controlled substance, to a person known to the Grand Jury, in exchange for \$550.00; in violation of Title 21, United States Code, §§ 841(a)(1), 841(b)(1)(C), and 860.

COUNT NINETEEN

**(Aiding and Abetting Distribution of Cocaine Hydrochloride
Within 1000' of Protected Location)**

On or about March 16, 2012, subsequent to the transaction alleged in Count Seventeen, in Marion County, within the Northern District of West Virginia, defendants, **SHAWN A. BURNS** and **TYRONE DUPREE BEAFORE**, aided and abetted by each other, unlawfully, knowingly, intentionally and without authority distributed, within 1000 feet of the real property comprising Carlone Street Apartments, a housing facility owned by a public housing authority, a quantity of cocaine hydrochloride, also known as "coke", a Schedule II narcotic drug controlled substance, to a person known to the Grand Jury, in exchange for \$400.00; in violation of Title 21, United States Code, §§ 841(a)(1), 841(b)(1)(C), and 860 and Title 18, United States Code, §2.

COUNT TWENTY

**(Aiding and Abetting Distribution of Cocaine Hydrochloride
Within 1000' of Protected Location)**

On or about March 19, 2012, in Marion County, within the Northern District of West Virginia, defendants, **SHAWN A. BURNS** and **LAMAR JAMES**, aided and abetted by each other, unlawfully, knowingly, intentionally and without authority distributed, within 1000 feet of the real property comprising Carlon Street Apartments, a housing facility owned by a public housing authority, a quantity of cocaine hydrochloride, also known as "coke", a Schedule II narcotic drug controlled substance, to a person known to the Grand Jury, in exchange for \$1,500.00; in violation of Title 21, United States Code, §§ 841(a)(1), 841(b)(1)(C), and 860 and Title 18, United States Code, Section 2.

COUNT TWENTY-ONE

(Distribution of Cocaine Hydrochloride Within 1000' of Protected Location)

On or about March 21, 2012, in Marion County, within the Northern District of West Virginia, defendant, **LAMAR JAMES**, unlawfully, knowingly, intentionally and without authority distributed, within 1000 feet of the real property comprising Carlone Street Apartments, a housing facility owned by a public housing authority, a quantity of cocaine hydrochloride, also known as "coke", a Schedule II narcotic drug controlled substance, to a person known to the Grand Jury, in exchange for \$1,400.00; in violation of Title 21, United States Code, §§ 841(a)(1), 841(b)(1)(C), and 860.

COUNT TWENTY-TWO

(Aiding and Abetting Distribution of Buprenorphine Within 1000' of Protected Location)

On or about March 21, 2012, in Marion County, within the Northern District of West Virginia, defendant, **SHAWN A. BURNS, WHITNEY YERACE and JENNA HANSLER**, aided and abetted by each other, unlawfully, knowingly, intentionally and without authority distributed, within 1000 feet of the real property comprising Caralone Street Apartments, a housing facility owned by a public housing authority, a quantity of Buprenorphine, a Schedule III narcotic drug controlled substance, to a person known to the Grand Jury, in exchange for \$45.00 in U.S. Currency and merchandise; in violation of Title 21, United States Code, §§ 841(a)(1), 841(b)(1)(E)(i) and 860, and Title 18, United States Code, §2.

COUNT TWENTY-THREE

**(Aiding and Abetting Distribution of Buprenorphine
Within 1000' of Protected Location)**

On or about March 22, 2012, in Marion County, within the Northern District of West Virginia, defendants, **SHAWN A. BURNS** and **JENNA HANSLER**, aided and abetted by each other, unlawfully, knowingly, intentionally and without authority distributed, within 1000 feet of the real property comprising Carlone Street Apartments, a housing facility owned by a public housing authority, a quantity of Buprenorphine, a Schedule III narcotic drug controlled substance, to a person known to the Grand Jury, in exchange for \$125.00; in violation of Title 21, United States Code, §§ 841(a)(1), 841(b)(1)(E)(i) and 860, and Title 18, United States Code, § 2.

COUNT TWENTY-FOUR

**(Aiding and Abetting Distribution of Cocaine Hydrochloride
Within 1000' of Protected Location)**

On or about March 23, 2012, in Marion County, within the Northern District of West Virginia, defendants, **SHAWN A. BURNS** and **JENNA HANSLER**, aided and abetted by each other, unlawfully, knowingly, intentionally and without authority distributed, within 1000 feet of the real property comprising Carlone Street Apartments, a housing facility owned by a public housing authority, a quantity of cocaine hydrochloride, also known as "coke", a Schedule II narcotic drug controlled substance, to a person known to the Grand Jury, in exchange for \$1,475.00 in U.S. Currency and \$50.00 in merchandise; in violation of Title 21, United States Code, §§ 841(a)(1), 841(b)(1)(C), and 860 and Title 18, United States Code, Section 2.

COUNT TWENTY-FIVE

(Distribution of Cocaine Hydrochloride Within 1000' of Protected Location)

On or about March 29, 2012, in Marion County, within the Northern District of West Virginia, defendant, **LAMAR JAMES**, unlawfully, knowingly, intentionally and without authority distributed, within 1000 feet of the real property comprising Carlone Street Apartments, a housing facility owned by a public housing authority, a quantity of cocaine hydrochloride, also known as “coke”, a Schedule II narcotic drug controlled substance, to a person known to the Grand Jury, in exchange for \$1,250.00; in violation of Title 21, United States Code, §§ 841(a)(1), 841(b)(1)(C), and 860.

COUNT TWENTY-SIX

(Distribution of Cocaine Hydrochloride Within 1000' of Protected Location)

On or about March 29, 2012, in Marion County, within the Northern District of West Virginia, defendant, **TYRONE DUPREE BEAFORE**, unlawfully, knowingly, intentionally and without authority distributed, within 1000 feet of the real property comprising, Fairmont State University, a quantity of cocaine hydrochloride, also known as “coke”, a Schedule II narcotic drug controlled substance, to a person known to the Grand Jury, in exchange for \$200.00; in violation of Title 21, United States Code, §§ 841(a)(1) and 841(b)(1)(C).

COUNT TWENTY-SEVEN

(Distribution of Cocaine Hydrochloride Within 1000' of Protected Location)

On or about March 30, 2012, in Marion County, within the Northern District of West Virginia, defendant, **LAMAR JAMES**, unlawfully, knowingly, intentionally and without authority distributed, within 1000 feet of the real property comprising Carlone Street Apartments, a housing facility owned by a public housing authority, a quantity of cocaine hydrochloride, also known as "coke", a Schedule II narcotic drug controlled substance, to a person known to the Grand Jury, in exchange for \$1,400.00; in violation of Title 21, United States Code, §§ 841(a)(1), 841(b)(1)(C), and 860.

COUNT TWENTY-EIGHT

(Distribution of Cocaine Hydrochloride Within 1000' of Protected Location)

On or about March 30, 2012, in Marion County, within the Northern District of West Virginia, defendant, **TYRONE DUPREE BEAFORE**, unlawfully, knowingly, intentionally and without authority distributed, within 1000 feet of the real property comprising Fairmont State University, a quantity of cocaine hydrochloride, also known as “coke”, a Schedule II narcotic drug controlled substance, to a person known to the Grand Jury, in exchange for \$200.00; in violation of Title 21, United States Code, §§ 841(a)(1), 841(b)(1)(C), and 860.

COUNT TWENTY-NINE

(Distribution of Cocaine Hydrochloride Within 1000' of Protected Location)

On or about April 5, 2012, in Marion County, within the Northern District of West Virginia, defendant, **LAMAR JAMES**, unlawfully, knowingly, intentionally and without authority distributed, within 1000 feet of the real property comprising Caralone Street Apartments, a housing facility owned by a public housing authority, a quantity of cocaine hydrochloride, also known as “coke”, a Schedule II narcotic drug controlled substance, to a person known to the Grand Jury, in exchange for \$1,400.00; in violation of Title 21, United States Code, §§ 841(a)(1), 841(b)(1)(C), and 860.

COUNT THIRTY

(Distribution of Cocaine Hydrochloride Within 1000' of Protected Location)

On or about April 9, 2012, in Marion County, within the Northern District of West Virginia, defendant, **LAMAR JAMES**, unlawfully, knowingly, intentionally and without authority distributed, within 1000 feet of the real property comprising Caralone Street Apartments, a housing facility owned by a public housing authority, a quantity of cocaine hydrochloride, also known as “coke”, a Schedule II narcotic drug controlled substance, to a person known to the Grand Jury, in exchange for \$1,200.00; in violation of Title 21, United States Code, §§ 841(a)(1), 841(b)(1)(C), and 860.

COUNT THIRTY-ONE

(Distribution of Cocaine Hydrochloride Within 1000' of Protected Location)

On or about April 12, 2012, in Marion County, within the Northern District of West Virginia, defendant, **LAMAR JAMES**, unlawfully, knowingly, intentionally and without authority distributed, within 1000 feet of the real property comprising Caralone Street Apartments, a housing facility owned by a public housing authority, a quantity of cocaine hydrochloride, also known as "coke", a Schedule II narcotic drug controlled substance, to a person known to the Grand Jury, in exchange for \$1,400.00; in violation of Title 21, United States Code, §§ 841(a)(1), 841(b)(1)(C), and 860.

A true bill,

/s/

Grand Jury Foreperson
(Signature on file)

/s/

WILLIAM J. IHLENFELD, II
UNITED STATES ATTORNEY